

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ORDER

In an Order entered by the Magistrate Judge on April 28, 2010 (Docket Entry No. 6), Plaintiff was required to show cause as to why his failure to serve Defendants within 120 days as required by Fed. R. Civ. P. 4(m) should not result in dismissal of this action. Plaintiff did not respond to that Order and the Magistrate Judge has issued a Report and Recommendation (Docket Entry No. 10) recommending that this action be dismissed without prejudice. Although Plaintiff was specifically advised of his right to object to the R & R, no objections have been filed.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). In this case, after reviewing the record, the Court finds that Plaintiff has failed to effect service within the time provided for by the Federal Rules of Civil Procedure. Accordingly, the R & R (Docket Entry No. 10) is hereby ACCEPTED and APPROVED and this action is hereby DISMISSED WITHOUT PREJUDICE.

The Clerk is directed to enter final judgment in favor of Defendants in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE